

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

VELMA BUTLER,

Plaintiff,

v.

CIVIL ACTION NO. 2:17-cv-00922

ETHICON, INC., et al.,

Defendant.

MEMORANADUM OPINION AND ORDER

On April 21, 2020, I entered an order directing plaintiff to show cause on or before May 21, 2020, why her case should not be dismissed as to defendants, Ethicon, Inc. and Johnson & Johnson pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and Rule 4.1 of the Local Rules of Civil Procedure. The Order was sent to plaintiff at her last known address and posted on the court's website.

Plaintiff has not responded to the Show Cause Order. For this reason and the reasons identified in my Show Cause Order related to plaintiff's inaction in this case and failure to comply with Docket Control Orders, the court **ORDERS**, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and Rule 4.1 of the Local Rules of Civil Procedure and after weighing the factors identified in *Ballard v. Carlson*, 882 F.2d 93, 95 (4th Cir. 1989), that defendant Ethicon, Inc. and Johnson & Johnson are dismissed without prejudice. No defendants remain, and the court **DIRECTS** the Clerk to dismiss the case and strike it from the active docket.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and plaintiff at her address.

ENTER: May 26, 2020


JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE